



26 MAR 2003

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FOLEY AND LARDNER
Suite 500
3000 K Street, NW
Washington, DC 20007

In re Application of	:	
OTA, Toshio, et al.	:	
U.S. Application No.: 10/048,154	:	DECISION
PCT No.: PCT/JP00/05063	:	
International Filing Date: 28 July 2000	:	
Priority Date: 29 July 1999	:	
Attorney's Docket No.: 084355-0158	:	
For: STOMACH CANCER ASSOCIATED GENE	:	

This decision is issued in response to the reply to the Notification Of Defective Response filed by applicants on 08 November 2002, which has been treated in part as a petition under 37 CFR 1.182 to change the name of the inventor identified in the international application as Kaoru SAITO to Kaoru OTSUKA, the name used by this inventor in the filed declaration. Deposit Account No. 19-0741 will be charged the required \$130 petition fee.

BACKGROUND

On 03 July 2002, applicants filed a response to the Notification Of Missing Requirements mailed by the DO/EO/US on 24 April 2002. The response included an executed declaration and the required surcharge payment (as well as materials related to the sequence listing requirement).

On 10 September 2002, the DO/EO/US mailed a "Notification Of A Defective Response" indicating that the declaration filed on 03 July 2002 was defective because it contained a change in one of the inventor's names (the inventor identified in the international application as Kaoru SAITO executed the declaration as Kaoru OTSUKA).

On 08 November 2002, applicants filed the reply to the Notification Of Defective Response considered herein. This response included a declaration stating that the name of the inventor identified in the international application as Kaoru SAITO had been changed to Kaoru OTSUKA due to marriage. The submission also included the fee for the required five-month extension of time to respond.

DISCUSSION

Under M.P.E.P. Section 605.04(c), a petition to change the name of an inventor must be made under 37 CFR 1.182 and it must include the petition fee and "an affidavit signed with both names setting forth the procedure whereby the change of name was effected" or "a certified copy of the court order."

Here, based on the authorization contained in the response, Deposit Account No. 19-0741 will be charged the \$130 petition fee. The petition was accompanied by a copy of a declaration in which the inventor states that her name has changed because of marriage; the declaration was signed by the inventor in both her current name (Kaoru OTSUKA) and her former name Kaoru SAITO).

Based on the above, applicants have submitted all the requirements for a grantable petition to change the inventor's name.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of inventor Kaoru SAITO to Kaoru OTSUKA is **GRANTED**.

Based on this change of name, the declaration filed on 03 July 2002 is now acceptable in compliance with 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Office for further processing in accord with this decision. The 35 U.S.C. 371 date is 03 July 2002.



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459